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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 LOANITA ADAMS,

9 Plaintiff,

10 v.

11 CITY OF FEDERAL WAY, *et al.*,

12 Defendants.
13

No. C11-0995RSL

ORDER GRANTING IN PART
FEDERAL WAY DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

14 This matter comes before the Court on the “Motion for Summary Judgment” filed
15 by defendants Larson, Schmidt, Sant, Arthur, and Duclos (hereinafter, “the Federal Way
16 Defendants”).¹ Dkt. # 52. The Federal Way Defendants argue that they are immune from suit
17 under various common law doctrines and statutes. Plaintiff has not responded. Pursuant to
18 Local Civil Rule 7(b)(2), “[i]f a party fails to file papers in opposition to a motion, such failure
19 may be considered by the court as an admission that the motion has merit.” Nevertheless, the
20 Court has reviewed the Federal Way Defendants’ motion, declaration, and exhibits, as well as
21 the remainder of the record, and finds as follows:

22 (1) Federal Way Municipal Court Judge David Larson is entitled to absolute
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25 ¹ The motion does not address plaintiff’s claims against the City of Federal Way, defendant
Zumwalt, or defendant Crawford.

26 ORDER GRANTING IN PART
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MOTION FOR SUMMARY JUDGMENT

1 judicial immunity from suit. His conduct, as recited in plaintiff's complaint, involved judicial
2 action in a matter properly pending before the Municipal Court.

3 (2) Federal Way Prosecuting Attorneys Candice Duclos and Stephanie Arthur are
4 also entitled to absolute immunity from suit. Their conduct, as recited in plaintiff's complaint,
5 consisted of initiating and pursuing the prosecution, functions that fall well within the scope of
6 prosecutorial immunity.

7 (3) Federal Way Officers Schmidt and Sant are entitled to common law and
8 statutory immunity from plaintiff's state law claims. Plaintiff has not alleged any facts giving
9 rise to a plausible inference of bad faith or malice on the part of the officers. Defendants
10 Schmidt and Sant do not address plaintiff's § 1983 claim, however, and have not shown that they
11 are entitled to qualified immunity under federal law or that the state law immunities on which
12 they rely apply to plaintiff's federal claim.

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14 For all of the foregoing reasons, the Federal Way Defendants' unopposed motion
15 for summary judgment is GRANTED in part and DENIED in part. Plaintiff's claims against
16 defendants Larson, Arthur, and Duclos are DISMISSED. Plaintiff's state law claims against
17 defendants Schmidt and Sant are also DISMISSED. Plaintiff's federal claims against defendants
18 Schmidt and Sant may proceed.

19 Dated this 3rd day of February, 2012.

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21 Robert S. Lasnik
22 United States District Judge
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